



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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Item 7 of the provisional agenda*

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

Report by the Secretariat

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* CEDAW/C/1997/II/1.



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I. INTRODUCTION

1. At its twelfth session (1993), the Committee on the Elimination of Discrimination against Women decided that the Secretariat should prepare every year a report on ways and means of improving the work of the Committee, containing all the information that the Secretariat believed was necessary for the consideration of the item, arising from its experience from the previous year, the comments made by members to the Secretariat or developments elsewhere in the human rights regime. It should also contain a list of States parties whose reports are to be considered, according to geographical representation and order of receipt.¹ In its resolution 51/68 of 12 December 1996, the General Assembly authorized the Committee, on an interim basis, to hold two sessions annually, and the Secretariat has decided to provide the Committee with a report on ways and means for each session.

2. The present report addresses a number of issues that build on discussions held during the sixteenth session of the Committee (13-31 January 1997), including, inter alia, the formulation of general recommendations, relations between the Committee and the specialized agencies, modalities for dealing with overdue reports, the withdrawal of reports and other practices, the relationship between the Committee and the Special Rapporteur on Violence against Women and the views of the seventh meeting of persons chairing the human rights treaty bodies (16-20 September 1996) on the participation of members of those bodies in any aspect of the review of the reports of States parties of which they are nationals. The report also introduces the final report on enhancing the long-term effectiveness of the United Nations human rights treaty system by the independent expert, Mr. Philip Alston, appointed by the Secretary-General pursuant to General Assembly resolution 43/115 of 8 December 1988 and Commission on Human Rights resolution 1989/47 of 6 March 1989.² The report of the independent expert has been issued to the Committee for information and comment.

3. Under agenda item 7, the Committee will also take up its draft rules of procedure. The Committee has before it a working paper³ containing the draft rules of procedure compiled by Ms. Desiree Bernard, taking into account the comments of other members of the Committee. At its sixteenth session, the Committee authorized Ms. Mervat Tallawy to compile any further comments on the draft rules of procedure and forward them to Ms. Bernard for her consideration.

II. FORMULATION OF GENERAL RECOMMENDATIONS

4. Under article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee has the power to make suggestions and general recommendations. At its seventh session (1988), the Committee decided that its practice would be to address general recommendations to the States parties as a whole and suggestions to bodies within the United Nations system. At its tenth session (1991), the Committee decided that it would change its approach with regard to general recommendations, which had been in the form of resolutions, and move to the pattern adopted by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. It set out its

understanding of the obligations imposed by the Convention and enumerated matters that States parties should include in their reports.

5. Also at its tenth session, the Committee decided that it should prepare comments on particular articles of the Convention, which would assist in the formulation of the Committee's recommendations relating to those articles.⁴ The Committee also decided that it would adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and what were described as "cross-cutting issues". Detailed examinations of articles or themes were to be formulated on the basis of the Committee's examination of States parties' reports and input from the Secretariat, the specialized agencies and other United Nations entities, as well as from interested non-governmental organizations.

6. At its eleventh session (1992), members of the Committee volunteered to prepare draft general comments on specific articles of the Convention for the consideration of the Committee at its twelfth session.⁵ At its twelfth session, additional members of the Committee volunteered to prepare general comments and recommendations with regard to articles 2-8, 11 and 12.⁶

7. In accordance with the schedule established at its tenth session, the Committee concluded general recommendation 19, concerning violence against women, at its eleventh session in 1992.⁷ General recommendation 21, concerning equality in marriage and family relations, was concluded at its thirteenth session (1994).⁸ General recommendation 23, on women in public life, which was scheduled for consideration and conclusion by the Committee at its thirteenth session, was adopted at its sixteenth session in 1997, with a view to including it in the Committee's report on its seventeenth session in July 1997.

8. With the regularization of a second annual session, the Committee may now wish to embark on a more structured approach to the preparation of general recommendations. This would allow it to take full advantage of the expertise of its members and of possible input from the United Nations system and non-governmental organizations.

9. One member of the Committee has suggested that general recommendations be prepared by the Committee over three sessions. At the first session, one meeting would be devoted to substantive discussion of a proposed general recommendation. That meeting would be open to representatives of specialized agencies, other United Nations bodies and non-governmental organizations, which would be entitled to participate and to prepare informal background papers for the use of the Committee. The results of the discussion at those meetings would be compiled by a member of the Committee, with the assistance of the Secretariat, and produced as a working paper. The working paper would form the basis of discussion at the next session for a working group of the Committee charged with the responsibility of producing a draft general recommendation, which would then be refined by an individual expert or group of experts. The refined draft would be presented to the full Committee at the following session for adoption. The Committee may wish to discuss this proposal and other issues relating to general recommendations.

III. RELATIONS WITH SPECIALIZED AGENCIES AND OTHER UNITED NATIONS ENTITIES

10. At its sixteenth session, the Committee agreed to review its practice of nominating focal points for specialized agencies and other entities of the United Nations system at its seventeenth session. The Committee expressed the wish that the input of specialized agencies and other entities into its work within article 22 of the Convention should be more structured and country-specific. The Committee may wish to consider the elaboration of guidelines for the use of specialized agencies and other entities in this regard, as well as suggestions for strengthening dialogue and cooperation with those bodies.

11. The Committee might wish to consider other ways in which specialized agencies and other United Nations entities might contribute to its work. A number of the other treaty bodies have developed the practice of allowing representatives of United Nations entities to participate in their pre-session meetings. For example, the Human Rights Committee has invited representatives of specialized agencies to make oral presentations at its pre-session working group, at which the Committee conducts a preliminary review of periodic reports that are scheduled to be considered by the plenary. A similar practice has been adopted by the Committee on Economic, Social and Cultural Rights.⁹ As an interim measure, the Committee might wish to consider whether the Division for the Advancement of Women should organize an informal meeting during sessions between the Committee and representatives of the specialized agencies and other bodies during which country-specific information would be presented.

IV. OVERDUE REPORTS

12. At its sixteenth session, the Committee requested that the Secretariat prepare for future sessions a list of those States parties whose reports are more than five years overdue. This list is to be found in annex I to the present report.

13. The Committee may wish to consider ways and means of addressing the issue of overdue reports. The practice of other treaty bodies has included appeals to the General Assembly to intervene,¹⁰ letters of reminder to States parties, meetings between Committee members and permanent representatives of States parties whose reports are overdue, the release of documents listing overdue reports, reference of the matter to the meeting of States parties and publication of lists of overdue reports at the regular press conferences following treaty body meetings.

14. At its sixteenth session, the Committee agreed to allow States parties, in exceptional circumstances, to combine a maximum of two reports. The Human Rights Committee has, in very exceptional circumstances and where a report is overdue "because of material difficulties", invited the State party to send a delegation to discuss those difficulties or to submit a provisional report dealing with only certain aspects of the International Covenant on Civil and Political Rights.¹¹

15. The Committee on the Elimination of Racial Discrimination has, since 1991, reviewed implementation of the Convention on the Elimination of All Forms of Racial Discrimination in those States parties whose periodic reports are overdue five years or more. The review is conducted on the basis of their previous reports or on information submitted by the relevant State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations.¹² The Committee on Economic, Social and Cultural Rights reviews States parties, even in the absence of initial reports, on the basis of all available information.

V. SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

16. The mandate of the Special Rapporteur on violence against women was extended for a further three years by the Commission on Human Rights in its resolution 1997/44. Ms. Radhika Coomaraswamy was reappointed Special Rapporteur. At the fourteenth session in 1995, the Special Rapporteur addressed the Committee on the Elimination of Discrimination against Women, which underlined the need for strong cooperation between the Special Rapporteur and the Committee.¹³

17. In its resolution 1997/44, the Commission on Human Rights requested human rights treaty bodies to cooperate with and to assist the Special Rapporteur in the performance of her mandated tasks and duties and, in particular, to respond to requests for information on violence against women, its causes and its consequences. The Committee may wish to consider specific working procedures to strengthen cooperation between the Committee and the Special Rapporteur on violence against women. In particular, the Committee might consider whether it wishes to comment on the reports of the Special Rapporteur and, if so, procedures it may wish to develop in that regard. The Committee may also wish to consider whether it wishes to alert the Special Rapporteur to trends or patterns with regard to violence against women or particular country situations that may require investigation.

18. At its sixteenth session, the Committee recommended that relations be maintained with the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities with respect to traditional practices affecting the health of women and children. The Committee may also wish to consider specific working procedures in this regard. For example, it may wish to comment on the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children or consider its implementation as it reviews States parties' reports.

VI. PRE-SESSION WORKING GROUP

19. At its sixteenth session, the Committee decided that, on the basis of written observations of members of the Committee as well as observations of members of the pre-session working group, the pre-session working group would formulate a short list of questions concentrating on major areas of concern in relation to implementation of the Convention by the State party.

20. The Committee may wish to reflect further on the approach of the pre-session working group. In that regard, it may wish to take into account the approach of the Human Rights Committee, whose pre-session working group considers a concise list of issues drawn up by the country rapporteur or the Secretariat.

21. At the same session, the Committee decided that as from its seventeenth session, its pre-session working group would be convened at the session prior to the one at which selected States parties were to report. Written questions would be submitted to the State party at the conclusion of the pre-session working group. They would be answered in writing by the State party and would form the basis of the Committee's consideration of the State party's report.

22. Although provision was made for the Committee to move to this approach, the schedule of members made it impossible for it to be implemented as from the seventeenth session. The Committee may wish to reconsider whether it wishes, in the future, to convene its pre-session working group at the beginning or end of the previous session and if so, the timing and modalities of this change of approach.

VII. REVISION OF REPORTING GUIDELINES TO ADDRESS ORAL PRESENTATIONS BY STATES PARTIES

23. At its sixteenth session, the Committee agreed that its current guidelines should be amended to incorporate guidelines to States parties with regard to the presentation of periodic reports. Such guidelines would indicate that the State party presenting its report would address the Committee for up to one hour, with one and a half meetings being available to the Committee for consideration of the report. The Committee may wish to consider whether the method of presentation by States parties should be addressed in its reporting guidelines or whether this matter would be better incorporated into a decision of the Committee that could then be reflected in correspondence with reporting States parties.

VIII. WORKING GROUP TO CONCEPTUALIZE SEMINARS

24. At its sixteenth session, the Committee agreed that a small working group should conceptualize policy advisory services through seminars with regard to the Convention and to consider, inter alia, funding requirements. The Committee may wish to authorize this working group to develop a paper relating to proposed seminars, including the topics to be discussed, the format of the seminars and the sources of funding.

IX. WITHDRAWAL OF REPORTS AND OTHER PRACTICES

25. At its twelfth session, the Committee decided that States parties should be offered the opportunity of providing a revised or new report for the report(s) already submitted, if the national situation had changed sufficiently to warrant

the substitution. In such a case, members would review only the revised or new report and would disregard the outdated report(s).¹⁴

26. States parties have increasingly requested the withdrawal of outdated reports. This affects the Committee's work as new reports are frequently received and substituted very close to the date of the session at which the State party's report is to be considered. The Committee may wish to review its decision with regard to withdrawal of reports and consider modalities for receiving updated materials. As there is also a cost factor involved in translating reports, members may wish to consider requesting States parties to cover the cost of translating the updated report where outdated reports have been translated. The Committee may also wish to bring this matter to the attention of the meeting of States parties to the Convention in 1998.

X. PARTICIPATION OF TREATY BODY MEMBERS IN THE CONSIDERATION
OF REPORTS OF THE STATES OF WHICH THEY ARE NATIONALS

27. At its seventh meeting, in September 1996, the meeting of persons chairing the human rights treaty bodies recommended that "members of treaty bodies refrain from participating in any aspect of the consideration of the reports of the States of which they are nationals, or communications or inquiries concerning those States, in order to maintain the highest standards of impartiality, both in substance and in appearance."¹⁵

28. The Committee may wish to consider that recommendation in the context of the wider review of the practices of human rights treaty bodies. It may also wish to consider it in the light of the fact that the Human Rights Committee is currently drafting ethical guidelines for its members.

XI. REPORT OF THE INDEPENDENT EXPERT ON EFFECTIVE FUNCTIONING
OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN
RIGHTS INSTRUMENTS

29. The report by the independent expert considers, inter alia, medium and long-term reforms which might be considered in order to enhance the work of the treaty bodies. It considers the elimination of comprehensive periodic reports in favour of more tailored reports, cooperation with specialized agencies and other bodies and means of improving the quality of concluding comments and observations.¹⁶

30. At its fifty-third session, the Commission on Human Rights decided to invite the Secretary-General to solicit the views of United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, to the Commission at its fifty-fourth session (1997/105). The Committee may wish to put forward views on that report in the light of its own experience.

XII. CONCLUDING COMMENTS

31. At its sixteenth session, the Committee on the Elimination of Discrimination against Women requested that the secretariat provide it, at each session, with the guidelines adopted by the Committee on the formulation of concluding comments. A draft of those guidelines for the Committee's consideration is attached as annex II to the present report.

XIII. REPORTS TO BE CONSIDERED AT FUTURE SESSIONS OF THE COMMITTEE

32. At its sixteenth session, the Committee decided to consider the reports of 10 States parties at its eighteenth session: 5 initial reports (Azerbaijan, Belize, Croatia, Zaire and Zimbabwe); 3 second periodic reports (Bulgaria, Equatorial Guinea and Indonesia); and 2 third periodic reports (Mexico and Republic of Korea). The Committee may also wish to consider the report of the Dominican Republic, which was originally scheduled to be taken up at the present session.

33. Taking into account order of receipt, the following are other reports awaiting consideration which have not been scheduled for review: initial reports: Czech Republic (which is an alternate for the eighteenth session), Slovakia; second periodic reports: Chile, Germany, Greece, Nigeria, Panama, Thailand and United Republic of Tanzania; third periodic reports: Austria, Belarus, China, Egypt, Finland, Germany, Greece, Nigeria, Panama, Peru, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland and United Republic of Tanzania; fourth periodic reports: Austria, China, Denmark, Peru and Sweden.

Notes

¹ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), para. 632.

² Two previous reports were submitted by the independent expert at the request of the General Assembly: A/44/668 and A/CONF.157/PC/62/Add.11/Rev.1.

³ CEDAW/C/1997/WG.1/WP.1.

⁴ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 38 (A/46/38), para. 380.

⁵ Ibid., Forty-seventh Session, Supplement No. 38 (A/47/38), paras. 456-458.

⁶ Ibid., Forty-eighth Session, Supplement No. 38 (A/48/38), paras. 645-647.

⁷ Ibid., Forty-seventh Session, Supplement No. 38 (A/47/38).

⁸ Ibid., Forty-ninth Session, Supplement No. 38 (A/49/38).

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⁹ HRI/MC/1996/2.

¹⁰ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 18 (A/37/18), general recommendation VI.

¹¹ Ibid., Fifty-first Session, Supplement No. 40 (A/51/40), para. 32.

¹² Ibid., Fifty-first Session, Supplement No. 18 (A/51/18), paras. 601-608.

¹³ Ibid., Fifty-first Session, Supplement No. 38 (A/50/38), paras. 659-661.

¹⁴ Ibid., Forty-eighth Session, Supplement No. 38 (A/48/38), para. 630.

¹⁵ A/51/482, annex, para. 29.

¹⁶ E/CN.4/1997/74.

Annex I

States parties the reports of which are overdue five years

<u>State party</u>	<u>Date due</u>
A. <u>Initial reports</u>	
Angola	17 October 1987
Bhutan	30 September 1982
Brazil	2 March 1985
Cape Verde	3 September 1982
Congo	25 August 1983
Costa Rica	4 May 1987
Dominica	3 September 1982
Grenada	29 September 1991
Guinea	8 September 1983
Guinea-Bissau	22 September 1986
Haiti	3 September 1982
Lao People's Democratic Republic	13 September 1982
Liberia	16 August 1985
Malta	7 April 1992
Nepal	22 May 1992
Saint Kitts and Nevis	25 May 1986
Saint Lucia	7 November 1983
Sierra Leone	11 December 1989
Togo	26 October 1984
Trinidad and Tobago	11 February 1991

B. Second periodic reports

Angola	17 October 1991
Bhutan	30 September 1986
Brazil	2 March 1989
Cape Verde	3 September 1986
Congo	25 August 1987
Costa Rica	4 May 1991
Dominica	3 September 1986
Gabon	20 February 1988
Guinea	8 September 1987
Guinea-Bissau	22 September 1990
Guyana	3 September 1986
Haiti	3 September 1986
Iraq	12 September 1991
Ireland	22 January 1991
Jamaica	18 November 1989
Lao People's Democratic Republic	13 September 1986
Liberia	16 August 1989
Malawi	11 April 1992
Mali	10 October 1990

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<u>State party</u>	<u>Date due</u>
Saint Kitts and Nevis	25 May 1990
Saint Lucia	7 November 1987
Togo	26 October 1988
Uruguay	8 November 1986
Viet Nam	19 March 1987

C. Third periodic reports

Bhutan	30 September 1990
Cape Verde	3 September 1990
Congo	25 August 1991
Dominica	3 September 1990
El Salvador	18 September 1990
Gabon	20 February 1992
Guatemala	11 September 1991
Guinea	8 September 1991
Guyana	3 September 1990
Haiti	3 September 1990
Lao People's Democratic Republic	13 September 1990
Mongolia	3 September 1990
Saint Lucia	7 November 1991
Sri Lanka	4 November 1990
Uruguay	8 November 1990
Viet Nam	19 March 1991
Yugoslavia	28 March 1991

Annex II

Proposed procedures and format for the elaboration
of concluding comments

1. The Committee's practice is to designate a main country rapporteur and a back-up rapporteur for the report of each State party.
2. The country rapporteur seeks additional information both on initial and subsequent reports about the country under review. Findings are presented as an introduction to the report at a closed meeting before the State party's presentation, but the concluding comment drafted thereafter reflects only the views expressed at the meetings during which the report is presented, rather than the views of the individual rapporteur.
3. The Committee holds a closed meeting after the constructive dialogue with each State party in order to consider the main issues and tendencies to be reflected in the concluding comment relating to the report of the State party.
4. The expert nominated as main country rapporteur drafts the comment in close collaboration with the back-up rapporteur, the general rapporteur of the Committee and the secretariat.
5. Concluding comments usually follow a standard format under five headings: Introduction, Factors and difficulties, Positive aspects, Principal areas of concern and Recommendations and suggestions.
6. The "Introduction" section includes information on whether the report has followed the Committee's guidelines, whether it was sufficient or insufficient, whether it incorporates statistical information disaggregated by sex and the nature and quality of the oral report. An objective indication of the strengths of the report and the level of the delegation is to be included.
7. The "Factors and difficulties" section describes major areas of the Convention on the Elimination of All Forms of Discrimination against Women that have not been implemented by States parties. This section addresses whether the Convention is self-executing and whether legislation has been put in place to give effect to the Convention, as well as overarching social factors, such as tradition and cultural and behavioural patterns. This section also includes general factors such as the impact of economic factors, including structural adjustment, and political factors, such as transition and new forms of governance on the women of the State party under review. Any reservations to the Convention are addressed in this section.
8. The "Positive aspects" section is organized in the order of the articles of the Convention.
9. The "Principal areas of concern" section is organized in the order of the importance of the particular issues to the country under review.

10. The "Recommendations and suggestions" section provides concrete solutions from the Committee to the problems identified in the rest of the comment.

11. Concluding comments also include reference to any commitments of the State party made at the Fourth World Conference on Women (4-15 September 1995) and follow-up action. Each concluding comment closes with a recommendation relating to the dissemination of the Convention, the reports and the concluding comment. Concluding comments are internally balanced, and the Committee strives to achieve consistency and balance, particularly in terms of praise and expressions of concern, among the concluding comments elaborated at each session.

Notes

^a The Committee had decided at its thirteenth session that it would include in its concluding observations, prepared following the review of reports of States parties, a section in which the Committee's views on reservations would be reflected (See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), para. 10).



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Item 6 of the provisional agenda*

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Draft general recommendation No. 23 (articles 7 and 8)

Article 7 (political and public life)

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Background

1. The Convention on the Elimination of All Forms of Discrimination against Women places special importance on the participation of women in the public life of their countries. The preamble to the Convention states in part:

* CEDAW/C/1997/II/1.

"Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity".

2. The Convention further reiterates in its preamble the importance of women's participation in decision-making as follows:

"Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields".

3. Moreover, in article 1 of the Convention, the term "discrimination against women" is interpreted to mean:

"any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

4. Other conventions, declarations and international analyses place great importance on the participation of women in public life and have set a framework of international standards of equality. These include the Universal Declaration of Human Rights,¹ the International Covenant on Civil and Political Rights,² the Convention on the Political Rights of Women,³ the Vienna Declaration,⁴ paragraph 13 of the Beijing Declaration and Platform for Action,⁵ general recommendations 5 and 8 under the Convention,⁶ general comment 25 adopted by the Human Rights Committee,⁷ the recommendation adopted by the Council of the European Union on balanced participation of women and men in the decision-making process⁸ and the European Commission's "How to Create a Gender Balance in Political Decision-making".⁹

5. Article 7 obliges States parties to take all appropriate measures to eliminate discrimination against women in political and public life and to ensure that they enjoy equality with men in political and public life. The obligation specified in article 7 extends to all areas of public and political life and is not limited to those areas specified in subparagraphs (a), (b) and (c). The political and public life of a country is a broad concept. It refers to the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers. The term covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels. The concept also includes many aspects of civil society, including public boards and local councils and the activities of organizations such as political parties, trade unions, professional or industry associations, women's organizations, community-based organizations and other organizations concerned with public and political life.

6. The Convention envisages that, to be effective, this equality must be achieved within the framework of a political system in which each citizen enjoys the right to vote and be elected at genuine periodic elections held on the basis of universal suffrage and by secret ballot, in such a way as to guarantee the free expression of the will of the electorate, as provided for under international human rights instruments, such as article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights.

7. The Convention's emphasis on the importance of equality of opportunity and of participation in public life and decision-making has led the Committee to review article 7 and to suggest to States parties that in reviewing their laws and policies and in reporting under the Convention, they should take into account the comments and recommendations set out below.

Comments

8. Public and private spheres of human activity have always been considered distinct, and have been regulated accordingly. Invariably, women have been assigned to the private or domestic sphere, associated with reproduction and the raising of children, and in all societies these activities have been treated as inferior. By contrast, public life, which is respected and honoured, extends to a broad range of activity outside the private and domestic sphere. Men historically have both dominated public life and exercised the power to confine and subordinate women within the private sphere.

9. Despite women's central role in sustaining the family and society and their contribution to development, they have been excluded from political life and the decision-making process, which nonetheless determine the pattern of their daily lives and the future of societies. Particularly in times of crisis, this exclusion has silenced women's voices and rendered invisible their contribution and experiences.

10. In all nations, the most significant factors inhibiting women's ability to participate in public life have been the cultural framework of values and religious beliefs, the lack of services and men's failure to share the tasks associated with the organization of the household and with the care and raising of children. In all nations, cultural traditions and religious beliefs have played a part in confining women to the private spheres of activity and excluding them from active participation in public life.

11. Relieving women of some of the burdens of domestic work would allow them to engage more fully in the life of their communities. Women's economic dependence on men often prevents them from making important political decisions and from participating actively in public life. Their double burden of work and their economic dependence, coupled with the long or inflexible hours of both public and political work, prevent women from being more active.

12. Stereotyping, including that perpetrated by the media, confines women in political life to issues such as the environment, children and health, and excludes them from responsibility for finance, budgetary control and conflict resolution. The low involvement of women in the professions from which

politicians are recruited can create another obstacle. In countries where women leaders do assume power this can be the result of the influence of their fathers, husbands or male relatives rather than electoral success in their own right.

Political systems

13. The principle of equality of women and men has been affirmed in the constitutions and laws of most countries and in all international instruments. Nonetheless, in the last 50 years, women have not achieved equality, and their inequality has been reinforced by their low level of participation in public and political life. Policies developed and decisions made by men alone reflect only part of human experience and potential. The just and effective organization of society demands the inclusion and participation of all its members.

14. No political system has conferred on women both the right to and the benefit of full and equal participation. While democratic systems have improved women's opportunities for involvement in political life, the many economic, social and cultural barriers they continue to face have seriously limited their participation. Even historically stable democracies have failed to integrate fully and equally the opinions and interests of the female half of the population. Societies in which women are excluded from public life and decision-making cannot be described as democratic. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both. The examination of States parties' reports shows that where there is full and equal participation of women in public life and decision-making, the implementation of their rights and compliance with the Convention improves.

Temporary special measures

15. While removal of de jure barriers is necessary, it is not sufficient. Failure to achieve full and equal participation of women can be unintentional and the result of outmoded practices and procedures which inadvertently promote men. Under article 4, the Convention encourages the use of temporary special measures in order to give full effect to articles 7 and 8. Where countries have developed effective temporary strategies in an attempt to achieve equality of participation, a wide range of measures has been implemented, including recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, setting numerical goals and quotas and targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies. The formal removal of barriers and the introduction of temporary special measures to encourage the equal participation of both men and women in the public life of their societies are essential prerequisites to true equality in political life. In order, however, to overcome centuries of male domination of the public sphere, women also require the encouragement and support of all sectors of society to achieve full and effective participation, encouragement which must be led by States parties to the Convention, as well as by political parties and public officials. States parties have an obligation to ensure that temporary special measures are

clearly designed to support the principle of equality and therefore comply with constitutional principles which guarantee equality to all citizens.

Summary

16. The critical issue, emphasized in the Beijing Platform for Action,⁵ is the gap between the de jure and de facto, or the right as against the reality of women's participation in politics and public life generally. Research demonstrates that if women's participation reaches 30 to 35 per cent (generally termed a "critical mass"), there is a real impact on political style and the content of decisions, and political life is revitalized.

17. In order to achieve broad representation in public life, women must have full equality in the exercise of political and economic power; they must be fully and equally involved in decision-making at all levels, both nationally and internationally, so that they may make their contribution to the goals of equality, development and the achievement of peace. A gender perspective is critical if these goals are to be met and if true democracy is to be assured. For these reasons, it is essential to involve women in public life to take advantage of their contribution, to assure their interests are protected and to fulfil the guarantee that the enjoyment of human rights is for all people regardless of gender. Women's full participation is essential not only for their empowerment but also for the advancement of society as a whole.

The right to vote and to be elected (article 7, para. (a))

18. The Convention obliges States parties in constitutions or legislation to take appropriate steps to ensure that women, on the basis of equality with men, enjoy the right to vote in all elections and referendums, and to be elected. These rights must be enjoyed both de jure and de facto.

19. The examination of the reports of States parties demonstrates that, while almost all have adopted constitutional or other legal provisions that grant to both women and men the equal right to vote in all elections and public referendums, in many nations women continue to experience difficulties in exercising this right.

20. Factors which impede these rights include the following:

(a) Women frequently have less access than men to information about candidates and about party political platforms and voting procedures, information which Governments and political parties have failed to provide. Other important factors that inhibit women's full and equal exercise of their right to vote include their illiteracy, their lack of knowledge and understanding of political systems or about the impact that political initiatives and policies will have upon their lives. Failure to understand the rights, responsibilities and opportunities for change conferred by franchise also means that women are not always registered to vote;

(b) Women's double burden of work, as well as financial constraints, will limit women's time or opportunity to follow electoral campaigns and to have the full freedom to exercise their vote;

(c) In many nations, traditions and social and cultural stereotypes discourage women from exercising their right to vote. Many men influence or control the votes of women by persuasion or direct action, including voting on their behalf. Any such practices should be prevented;

(d) Other factors that in some countries inhibit women's involvement in the public or political lives of their communities include restrictions on their freedom of movement or right to participate, prevailing negative attitudes towards women's political participation, or a lack of confidence in and support for female candidates by the electorate. In addition, some women consider involvement in politics to be distasteful and avoid participation in political campaigns.

21. These factors at least partially explain the paradox that women, who represent half of all electorates, do not wield their political power or form blocs which would promote their interests or change government, or eliminate discriminatory policies.

22. The system of balloting, the distribution of seats in Parliament, the choice of district, all have a significant impact on the proportion of women elected to Parliament. Political parties must embrace the principles of equal opportunity and democracy and endeavour to balance the number of male and female candidates.

23. The enjoyment of the right to vote by women should not be subject to restrictions or conditions that do not apply to men or that have a disproportionate impact on women. For example, limiting the right to vote to persons who have a specified level of education, who possess a minimum property qualification or who are literate is not only unreasonable, it may violate the universal guarantee of human rights. It is also likely to have a disproportionate impact on women, thereby contravening the provisions of the Convention.

The right to participate in formulation of government policy (article 7, para. (b))

24. The participation of women in government at the policy level continues to be low in general. Although significant progress has been made and in some countries equality has been achieved, in many countries women's participation has actually been reduced.

25. Article 7 (b) also requires States parties to ensure that women have the right to participate fully in and be represented in public policy formulation in all sectors and at all levels. This would facilitate the mainstreaming of gender issues and contribute a gender perspective to public policy-making.

26. States parties have a responsibility, where it is within their control, both to appoint women to senior decision-making roles and, as a matter of course, to consult and incorporate the advice of groups which are broadly representative of women's views and interests.

27. States parties have a further obligation to ensure that barriers to women's full participation in the formulation of government policy are identified and overcome. These barriers include complacency when token women are appointed, and traditional and customary attitudes that discourage women's participation. When women are not broadly represented in the senior levels of government or are inadequately or not consulted at all, government policy will not be comprehensive and effective.

28. While States parties generally hold the power to appoint women to senior cabinet and administrative positions, political parties also have a responsibility to ensure that women are included in party lists and nominated for election in areas where they have a likelihood of electoral success. States parties should also endeavour to ensure that women are appointed to government advisory bodies on an equal basis with men and that these bodies take into account, as appropriate, the views of representative women's groups. It is the Government's fundamental responsibility to encourage these initiatives to lead and guide public opinion and change attitudes that discriminate against women or discourage women's involvement in political and public life.

29. Measures that have been adopted by a number of States parties in order to ensure equal participation by women in senior cabinet and administrative positions and as members of government advisory bodies include: adoption of a rule whereby, when potential appointees are equally qualified, preference will be given to a woman nominee; the adoption of a rule that neither sex should constitute less than 40 per cent of the members of a public body; a quota for women members of cabinet and for appointment to public office; and consultation with women's organizations to ensure that qualified women are nominated for membership in public bodies and offices and the development and maintenance of registers of such women in order to facilitate the nomination of women for appointment to public bodies and posts. Where members are appointed to advisory bodies upon the nomination of private organizations, States parties should encourage these organizations to nominate qualified and suitable women for membership in these bodies.

The right to hold public office and to perform all public functions
(article 7, para. (b))

30. The examination of the reports of States parties demonstrates that women are excluded from top-ranking positions in cabinets, the civil service and in public administration, in the judiciary and in justice systems. Women are rarely appointed to these senior or influential positions and while their numbers may in some States be increasing at the lower levels and in posts usually associated with the home or the family, they form only a tiny minority in decision-making positions concerned with economic policy or development, political affairs, defence, peacemaking missions, conflict resolution or constitutional interpretation and determination.

31. Examination of the reports of States parties also demonstrates that in certain cases the law excludes women from exercising royal powers, from serving as judges in religious or traditional tribunals vested with jurisdiction on behalf of the State or from full participation in the military. These provisions discriminate against women, deny to society the advantages of their

involvement and skills in these areas of the life of their communities and contravene the principles of the Convention.

The right to participate in non-governmental and public and political organizations (article 7, para. (c))

32. An examination of the reports of States parties demonstrates that, on the few occasions when information concerning political parties is provided, women are under-represented or concentrated in less influential roles than men. As political parties are an important vehicle in decision-making roles, Governments should encourage political parties to examine the extent to which women are full and equal participants in their activities and, where this is not the case, should identify the reasons for this. Political parties should be encouraged to adopt effective measures, including the provision of information, financial and other resources, to overcome obstacles to women's full participation and representation and ensure that women have an equal opportunity in practice to serve as party officials and to be nominated as candidates for election.

33. Measures that have been adopted by some political parties include setting aside for women a certain minimum number or percentage of positions on their executive bodies, ensuring that there is a balance between the number of male and female candidates nominated for election, and ensuring that women are not consistently assigned to less favourable constituencies or to the least advantageous positions on a party list. States parties should ensure that such temporary special measures are specifically permitted under anti-discrimination legislation or other constitutional guarantees of equality.

34. Other organizations such as trade unions and political parties have an obligation to demonstrate their commitment to the principle of gender equality in their constitutions, in the application of those rules and in the composition of their memberships with gender-balanced representation on their executive boards so that these bodies may benefit from the full and equal participation of all sectors of society and from contributions made by both sexes. These organizations also provide a valuable training ground for women in political skills, participation and leadership, as do non-governmental organizations (NGOs).

Article 8 (international level)

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Comments

35. Under article 8, Governments are obliged to ensure the presence of women at all levels and in all areas of international affairs. This requires that they be included in economic and military matters, in both multilateral and bilateral diplomacy, and in official delegations to international and regional conferences.

36. From an examination of the reports of States parties, it is evident that women are grossly under-represented in the diplomatic and foreign services of most Governments, and particularly at the highest ranks. Women tend to be assigned to embassies of lesser importance to the country's foreign relations and in some cases women are discriminated against in terms of their appointments by restrictions pertaining to their marital status. In other instances spousal and family benefits accorded to male diplomats are not available to women in parallel positions. Opportunities for women to engage in international work are often denied because of assumptions about their domestic responsibilities, including that the care of family dependants will prevent them accepting appointment.

37. Many permanent missions to the United Nations and to other international organizations have no women among their diplomats and very few at senior levels. The situation is similar at expert meetings and conferences that establish international and global goals, agendas and priorities. Organizations of the United Nations system and various economic, political and military structures at the regional level have become important international public employers, but here, too, women have remained a minority concentrated in lower-level positions.

38. There are few opportunities for women and men, on equal terms, to represent Governments at the international level and to participate in the work of international organizations. This is frequently the result of an absence of objective criteria and processes for appointment and promotion to relevant positions and official delegations.

39. The globalization of the contemporary world makes the inclusion of women and their participation in international organizations, on equal terms with men, increasingly important. The integration of a gender perspective and women's human rights into the agenda of all international bodies is a government imperative. Many crucial decisions on global issues, such as peacemaking and conflict resolution, military expenditure and nuclear disarmament, development and the environment, foreign aid and economic restructuring, are taken with limited participation of women. This is in stark contrast to their participation in these areas at the non-governmental level.

40. The inclusion of a critical mass of women in international negotiations, peacekeeping activities, all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation, peace negotiations and the international criminal justice system will make a difference. In addressing armed or other conflicts, a gender perspective and analysis is necessary to understand their differing effects on women and men.¹⁰

RECOMMENDATIONS

Articles 7 and 8

41. States parties should ensure that their constitutions and legislation comply with the principles of the Convention, and in particular with articles 7 and 8.

42. States parties are under an obligation to take all appropriate measures, including the enactment of appropriate legislation that complies with their Constitution, to ensure that organizations such as political parties and trade unions, which may not be subject directly to obligations under the Convention, do not discriminate against women and respect the principles contained in articles 7 and 8.

43. States parties should identify and implement temporary special measures to ensure the equal representation of women in all fields covered by articles 7 and 8.

44. States parties should explain the reason for, and effect of, any reservations to articles 7 or 8 and indicate where the reservations reflect traditional, customary or stereotyped attitudes towards women's roles in society, as well as the steps being taken by the States parties to change those attitudes. States parties should keep the necessity for such reservations under close review and in their reports include a timetable for their removal.

Article 7

45. Measures that should be identified, implemented and monitored for effectiveness include, under article 7, paragraph (a), those designed to:

(a) Achieve a balance between women and men holding publicly elected positions;

(b) Ensure that women understand their right to vote, the importance of this right and how to exercise it;

(c) Ensure that barriers to equality are overcome, including those resulting from illiteracy, language, poverty and impediments to women's freedom of movement;

(d) Assist women experiencing such disadvantages to exercise their right to vote and to be elected.

46. Under article 7, paragraph (b), such measures include those designed to ensure:

(a) Equality of representation of women in the formulation of government policy;

(b) Women's enjoyment in practice of the equal right to hold public office;

(c) Recruiting processes directed at women that are open and subject to appeal.

47. Under article 7, paragraph (c), such measures include those designed to:

(a) Ensure that effective legislation is enacted prohibiting discrimination against women;

(b) Encourage non-governmental organizations and public and political associations to adopt strategies that encourage women's representation and participation in their work.

48. When reporting under article 7, States parties should:

(a) Describe the legal provisions that give effect to the rights contained in article 7;

(b) Provide details of any restrictions to those rights, whether arising from legal provisions or from traditional, religious or cultural practices;

(c) Describe the measures introduced and designed to overcome barriers to the exercise of those rights;

(d) Include statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights;

(e) Describe the types of policy formulation, including that associated with development programmes, in which women participate and the level and extent of their participation;

(f) Under article 7, paragraph (c), describe the extent to which women participate in non-governmental organizations in their countries, including in women's organizations;

(g) Analyse the extent to which the State party ensures that those organizations are consulted and the impact of their advice on all levels of government policy formulation and implementation;

(h) Provide information concerning, and analyse factors contributing to, the under-representation of women as members and officials of political parties, trade unions, employers organizations and professional associations.

Article 8

49. Measures which should be identified, implemented and monitored for effectiveness include those designed to ensure a better gender balance in membership of all United Nations bodies, including the Main Committees of the General Assembly, the Economic and Social Council and expert bodies, including treaty bodies, and in appointments to independent working groups or as country or special rapporteurs.

50. When reporting under article 8, States parties should:

(a) Provide statistics, disaggregated by sex, showing the percentage of women in their foreign service or regularly engaged in international representation or in work on behalf of the State, including membership in government delegations to international conferences and nominations for peacekeeping or conflict resolution roles, and their seniority in the relevant sector;

(b) Describe efforts to establish objective criteria and processes for appointment and promotion of women to relevant positions and official delegations;

(c) Describe steps taken to disseminate widely information on the Government's international commitments affecting women and official documents issued by multilateral forums, in particular, to both governmental and non-governmental bodies responsible for the advancement of women;

(d) Provide information concerning discrimination against women because of their political activities, whether as individuals or as members of women's or other organizations.

Notes

¹ General Assembly resolution 217 A (III).

² General Assembly resolution 2200 A (XXI), annex.

³ General Assembly resolution 640 (VII).

⁴ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

⁵ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex I.

⁶ See Official Records of the General Assembly, Forty-third Session, Supplement No. 38 (A/43/38), chap. V.

⁷ CCPR/C/21/Rev.1/Add.7, 27 August 1996.

⁸ 96/694/EC, Brussels, 2 December 1996.

⁹ European Commission document V/1206/96-EN (March 1996).

¹⁰ See para. 141 of the Platform for Action adopted by the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995 (A/CONF.177/20, chap. I, resolution 1, annex II). See also para. 134, which reads in part: "The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security."
